

REMARKS

Favorable consideration of this application is requested in view of the preceding amendments and the following remarks.

Claims 1-8 and 10-20 are pending in the application with Claims 1 and 10 being the independent claims. By this paper, claims 1 and 11 have been amended and claim 9 has been cancelled without prejudice to or disclaimer of its subject matter. Support for the amendments can be found in the application as originally filed. No new matter has been added.

Applicant notes with appreciation that claims 9 and 18 are indicated as containing allowable subject matter, and would be allowable if rewritten in independent form. By this paper, independent claim 1 has been amended to include the features of claim 9 and claim 9 has been canceled. Accordingly, claim 1 is in condition for allowance.

Claims 11 and 13 stand rejected under 35 USC § 112, second paragraph as allegedly being indefinite. Claim 11 has been amended herein to obviate this rejection. Favorable reconsideration and withdrawal of the rejection under Section 112 are requested.

Claims 1-8, 10-17, 19, and 20 stand rejected under 35 USC § 103 as unpatentable over the combination of US Patent No. 5,743,047 (Bonne et al.) and US Patent No. 4,656,784 (Brachmann). Applicant traverses this rejection.

As now recited in independent claim 10, one aspect of Applicant's invention relates to a sealing profile for sealing a powered window pane in a motor vehicle door and includes a base body made of an elastomeric material and a trim strip extending in a longitudinal direction, the trim strip being curved lengthwise. The base body includes, among other things, a first sealing portion for weathersealing the window pane, a second sealing portion for weathersealing the door relative to the vehicle body, a fastening portion for fastening the sealing profile at a door flange, a flexible reinforcing element that reinforces the fastening portion in the region of the door flange and that has a leg extending substantially parallel to the door flange, and a slotted retainer channel extending along the leg of the reinforcing element and having at least one recess. The trim strip includes a finishing portion and a fastener configured as an elongated insertion limb oriented substantially perpendicular to the finishing portion and having at least

one appendage. The fastener is arranged in the retainer channel and the appendage of the fastener positively engages the corresponding recess of the retainer channel.

Many of these features would not have been obvious in light of Bonne et al. and Bachmann, when taken in proper combination.

The Office Action takes the position that Bonne et al. teaches all features of claim 10, except a flexible reinforcing element that reinforces the finishing portion in the region of the door flange and a second sealing portion having more than one lip. For these features, the Office Action cites Brachmann.

Bonne et al. relates to a seal for simultaneously sealing a door window pane and a door opening on a motor vehicle. That patent discloses a seal which has a single piece profile including a U-shaped fastening section. The fastening section slips onto a projecting door flange which is covered with a strip of rigid material B which has a flat base section 15 and two webs 16, 17, as depicted in Figure 1. The webs 16, 17 run parallel to the projecting door flange 10 and clip into two parallel outwardly open slots 18, 19 in the arms 5, 6 of the U-shaped fastening section 1.

Brachmann relates to a device for the simultaneous sealing of the window pane of a door and the roof of a motor vehicle. As illustrated in Figure 1, that patent teaches a rubber profile 18 having two U-shaped recesses 30, 32 that receive metal edges of a door frame. A one-piece reinforcement insert 34 is provided in the rubber profile to reinforce the recesses 30, 32. An upper surface of the rubber profile 18 also includes sealing lips 20 which contact the roof region 14 of the motor vehicle.

It would not have been obvious to one of ordinary skill in the art when the invention was made to combine the cited references in the manner suggested by the Office Action, at least because the inclusion of a reinforcing member in Bonne et al. is directly contrary to the express purpose of that patent. At column 1, lines 19 to 23, that patent states that it is an improvement over conventional designs that require "the provision of a continuous reinforcement of a complex cross-sectional form within the profile." The stated object of Bonne et al. "is to create a single-piece arrangement for sealing the door window pane and the door opening...." Col. 1, ll. 24-26. Bonne et al. also describes at column 4, lines 40-44, "[m]oreover, the absence of a fixed

connection between the aluminum or plastics strip and the actual rubber profile, the strip being only clipped on, means that both parts can be easily separated and recycled.”

The Office Action provides no rationale as to why one of ordinary skill in the art would modify Bonne et al. in a manner that is completely contrary to the very purpose of that patent, namely, by including a reinforcing member. Adding a reinforcing member would mean including continuous reinforcement of a complex cross-sectional form within the profile, and would not allow for easy separation and recycling. Applicant submits that the Office Action is impermissibly resorting to hindsight reconstruction to pick and choose features of references to reject claim 10. Only because of Applicant’s disclosure would one of ordinary skill in the art combine the documents in the manner suggested.

For the foregoing reasons, Applicant submits that independent claims 1 and 10 are allowable. Favorable reconsideration and an early Notice of Allowance are requested.

The remaining claims depend from one of the independent claims and are deemed allowable by virtue of this dependency, and for reciting other patentable features of Applicant’s invention.

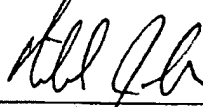
For example, dependent claim 11 recites that the fastener of the trim strip has a side turned away from the leg of the reinforcing element and that the base body is free from the reinforcing element in the region that is on the side of the fastener turned away from the leg of the reinforcing element. Even assuming, *arguendo*, that it was obvious to combine Bonne et al. and Bachmann to include a reinforcing member, it would not have been obvious to arrange the reinforcing member, the trim strip, and the base body in the manner featured in claim 11.

Favorable and independent consideration of claim 11 and of all of the dependent claims respectfully are requested.

Applicant submits this application is in condition for allowance. Favorable consideration and an early Notice of Allowance are requested.

Applicant's below-signed representative can be reached by telephone at (585) 232-6500. All written correspondence should continue to be directed to the address on file for this application.

Respectfully submitted,



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